

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Curtis E. Stevens	EXAMINER:	Thanhnga B. Truong
SERIAL NUMBER:	09/810,731	ART UNIT:	2135
FILING DATE:	March 16, 2001	CONFIRMATION NO:	6847
FOR:	METHODS OF GRANTING ACCESS TO A PROTECTED AREA		

MAIL STOP PETITION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**DECLARATION OF LESLEY BOVERI IN SUPPORT OF A PETITION TO REVIVE AN
UNINTENTIONALLY ABANDONED APPLICATION UNDER 37 C.F.R. § 1.137(b)**

I, Lesley C. Boveri, hereby declare that:

1. I joined Phoenix Technologies Ltd. ("Phoenix") as Associate General Counsel, Intellectual Property on February 9, 2009. I currently hold this position at the company.
2. My duties include overseeing Phoenix's domestic and international patent portfolios. Phoenix's in house legal department consists of two patent practitioners -- myself and a patent agent.
3. Prior to my joining Phoenix, Loren H. McRoss served as Intellectual Property Counsel from May 26, 2003 to February 13, 2009. Mr. McRoss' duties included the management of Phoenix's patent portfolio in the United States and abroad.
4. Since I have been at Phoenix, to the best of my knowledge, all United States patent prosecution applications are handled in house by Phoenix's legal department. It is my understanding that this was the case prior to my joining Phoenix.

5. Phoenix's United States patent docket is also managed in house utilizing a patent management computer database. I am the person currently responsible for docketing dates in the patent management computer database. Before me, I understand that my predecessor, Loren McRoss, was the only person permitted to enter, modify, or change dates in our patent management computer database.
6. To the best of my knowledge, Phoenix did not engage outside law firms to prosecute patent applications in the United States after mid-2004. I am also unaware of any other docket for United States patent cases maintained for Phoenix other than what I described above.
7. When I first joined Phoenix, I was busy acclimating to my new position and assisting on immediate matters that required my attention. On or about mid-April 2009, I was able to turn to conducting an audit of Phoenix's patent prosecution files. I completed the audit on June 26, 2009.
8. During the course of the audit, I reviewed the Phoenix internal file for U.S. Patent Application No. 09/810,731 entitled "METHODS OF GRANTING ACCESS TO A PROTECTED AREA" by inventor Curtis E. Stevens. The application was filed on March 16, 2001 and assigned to Phoenix Technologies Ltd.
9. Phoenix received a Notice of Abandonment dated February 9, 2007 from the United States Patent and Trademark Office ("USPTO"). According to the notice of abandonment in the file, the application went abandoned on January 29, 2007 for failing to respond to an Office Action dated July 28, 2006.
10. In reviewing all of Phoenix's patent prosecution files, I realized that when Phoenix intended to discontinue prosecution of a patent application, Mr. McRoss would make a notation to the file and update the status of the

application in the Phoenix docketing system so that it no longer appeared as "Pending."

11. The file did not include a note indicating that Phoenix intended to abandon the application.
12. To the best of my knowledge, at the time of the audit, the Phoenix patent management docketing system designated the status of the application to be "Pending."
13. In my review of the Phoenix patent portfolio, it became clear to me that Phoenix's standard practice was to update hard copy patent files with a green "Abandoned" sticker when Phoenix wanted to intentionally abandon an application and a pink "Patent Granted" sticker when a patent issued. No sticker indicated a pending application. I have continued this practice while at Phoenix.
14. I noticed that the internal file for the above referenced application did not have a green or pink sticker.
15. As I started working at Phoenix on February 9, 2009, there was a brief transition period during which I overlapped with Mr. McRoss. During this transition period, Mr. McRoss provided no indication that the above-referenced application was abandoned or that he had any intention to abandon the application.
16. I believe that there was no intention at any time for Phoenix to abandon this application. Upon learning that the abandoned status of this application was unintentional, we promptly decided to petition the USPTO for revival of U.S. Application Serial No. 09/810,731.
17. I declare that all statements made herein of my own knowledge are true and that all statements made herein on information and belief are believed to be true. All statements made herein were made with the knowledge that

willful false statements are punishable by fine, imprisonment, or both under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: Aug 12, 2009

Lesley C. Boveri
Lesley C. Boveri

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